

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN SNEED, et al.,

Plaintiffs,

v.

THE PROCTER & GAMBLE COMPANY,

Defendant.

Case No. 23-cv-05443-JST

**ORDER REGARDING PLAINTIFFS’
OPPOSITION TO DEFENDANT’S
MOTION TO DISMISS**

Re: ECF No. 26

The Court has received Plaintiffs’ opposition to Defendant’s motion to dismiss. ECF No. 26. The Court notes that Plaintiffs have moved many of their substantive arguments into footnotes, most likely for the purpose of complying with the Court’s page limits. *See, e.g., id.* at 17, 19, 21, 22, 27, 29, 30, 32.

The Court has previously declined to consider arguments contained in footnotes. *E.g., Cheever v. Huawei Device USA, Inc.*, No. 18-CV-06715-JST, 2019 WL 8883942, at *3 (N.D. Cal. Dec. 4, 2019). “Arguments raised only in footnotes, or only on reply, are generally deemed waived” and need not be considered. *Estate of Saunders v. Comm’r*, 745 F.3d 953, 962 n.8 (9th Cir. 2014); *see Sanders v. Sodexo, Inc.*, No. 2:15-cv-00371-JAD-GWF, 2015 WL 4477697, at *5 (D. Nev. July 20, 2015) (“Many courts will disregard arguments raised exclusively in footnotes.” (quoting Bryan Garner, *The Redbook: A Manual on Legal Style* 168 (3d ed. 2013))).

By March 12, 2024, Plaintiffs shall either file a statement that they waive any arguments contained in footnotes or file a brief in which those arguments appear in the body of the document.

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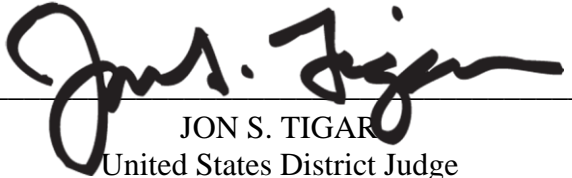
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Defendant's reply is due March 26, 2024. The hearing on the motion is continued to May 2, 2024 at 2:00 p.m.

IT IS SO ORDERED.

Dated: March 8, 2024



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California